

IN THE MATTER OF

Aaron's Foundation, Inc..

Respondent.

EMRGENCY ORDER EXEMPTING CHARITABLE REGISTATION

Pursuant to the authority of the Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. § 43-17-1, et seq. ("Act"), and 590-9-1, et seq. of the Rules and Regulations of the State of Georgia ("Rules"), the Secretary of State of the State of Georgia ("Secretary"), deemed that it is necessary and in the public interest to issue this Emergency Order for **Aaron's Foundation**, **Inc.** ("Respondent"). The Secretary makes the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

- 1. Respondent is registered as a domestic non-profit corporation with the Secretary. The principal address of Respondent is listed as 400 Galleria Parkway SE, Suite 300, Atlanta, Georgia, 30339.
- 2. Respondent is registered as a 501(c)(3) organization with the Internal Revenue Service ("IRS").
 - 3. James L. Cates is listed as the chief executive officer ("CEO") for Respondent.
 - 4. Steven A. Michales is listed as the Registered Agent for the Respondent.
- 5. Respondent has represented itself as a charitable organization as defined by O.C.G.A. § 43-17-2(2) and therefore is subject to the Act and Rules.
- 6. Respondent is not currently registered as a charitable organization with the Secretary and has never been registered with the Secretary as a charitable organization pursuant to O.C.G.A. § 43-17-5. Respondent is a foundation whose "mission is to commit to strengthening communities" through a "focus on improving the life prospects of at-risk youth" by giving them the tools, resources, and skills to achieve their goals and become productive, contributing members of society."
- 7. In response to the damage caused by hurricanes Harvey and Irma, Respondent set up a gofundme.com web page and to solicit or have contributions solicited for the purpose of providing

assistance in the recovery efforts.

- 8. Respondent began the solicitation of donations on or about August 29, 2017. All solicitations of donations are limited to the relief efforts for Hurricane Harvey and Hurricane Irma. All solicitations of donations are limited to Respondent's employees and employees of Aaron's, Inc.
- 9. To date, Respondent has received approximately 270 donations and collected approximately \$60,000.00 through its gofundme.com webpage.
 - 10. Respondent's gofundme.com page will cease collecting donations on September 20, 2017.
- 11. Respondent is aware of charitable registration requirements in Georgia and has expressed a desire to properly follow said requirements. Respondent contacted the Secretary on or about September 15, 2017 to inquire regarding whether charitable registration was required in this instance.
- 12. Respondent has agreed to provide the Secretary with notice of end of contribution campaign, the record of all contributions including but not limited to the, the name and address of each contributor giving of \$25.00 or more directly or indirectly to the organization, and proof of where the monies will be donated after the collection period ends.
- 13. Respondent has requested that the Secretary exempt the organization from charitable registration for this one-time hurricane relief effort contribution campaign.

II. CONCLUSIONS OF LAW

- 14. Paragraphs 1 through 13 are incorporated by reference as though fully set forth herein.
- 15. The SecretaryCommissioner has jurisdiction over this matter pursuant to the Act.
- 16. Pursuant to O.C.G.A. § 43-17-9(e), the Commissioner is "authorized to exempt by rule, regulation, or order such entities and organizations from the registration provisions of Code Section 43-17-5 as he deems necessary and appropriate in the public interest."
- 17. Pursuant to O.C.G.A. § 43-17-5(a), it is "unlawful for any person: ... (2) [w]hile in this state to solicit or accept charitable contributions from any person wherever located...unless the charitable organization on whose behalf such contributions are being solicited or accepted is subject to an effective registration statement of exempt from registration" pursuant to Code Section 43-17-9.
- 18. Respondent's solicitation and acceptance of charitable contributions to assist in the recovery efforts for hurricanes Harvey and Irma is necessary and appropriate in the public interest. As a result, Respondent shall be exempt from registration as a charitable organization under O.C.G.A. § 43-17-5.

III. ORDER

WHEREFORE, by the authority vested in me as the Secretary of State for the State of Georgia, **IT IS HEREBY ORDERED**:

1. Aaron's Foundation, Inc. shall be deemed EXEMPT FROM REGISTRATION as a

charitable organization, with regard to the solicitation described herein, under the Georgia Charitable Solicitations Act of 1988, as amended.

The entry of this Order is deemed to be in the public interest, and shall not be deemed to constitute findings or conclusions relating to other persons unrelated to Respondent and shall not be deemed to be a waiver or estoppel on the part of the Secretary of State from proceeding in individual actions against any person who may have violated the Act or any transactions not specifically referred to herein or not known to the Commissioner at the time this Order was issued.

SO ORDERED this Today of Solomba

BRIAN P. KEMP

SECRETARY OF STATE

By:

Noula Zaharis

Director